IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

WP(C).No. 2895 of 2004(T)

SM.37/1997 of LAND TRIBUNAL, KASARGOD
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PETITIONER:

SANTHAKUMARI AMMA,
W/O. MULLASSERY KESAVAN NAIR, R/AT MUNNAD,
BEDADKA VILLAGE, P.O. MUNNAD VILLAGE,
KASARAGOD TALUK & DISTRICT.

BY ADV. SRI.KODOTH SREEDHARAN

RESPONDENTS:
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1. LAND TRIBUNAL, NO.II, KASARAGOD.

2. STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM.

3. MEENAKSHY AMMA, W/O. MALINGU NAIR,
R/AT VATTAPPARA IN MUNNAD VILLAGE, P.O. MUNNAD,
KASARAGOD TALUK.

4. MALINGU NAIR, S/O. DERMAN NAIR,
R/AT VATTAPPARA IN MUNNAD VILLAGE, KASARAGOD TALUK

5. KODOTH LAKSHMI AMMA,
C/O. V.K.KUNHAMBU NAIR, B.K.COMPOUND,
THALIPPADAPPU, KASARAGOD.

R1 & R2 BY GOVERNMENT PLEADER SRI.SHYSON P.MANGUZHA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.2895/04

APPENDIX

PETITIONER'S EXTS:

EXT.P1 – TRUE COPY OF JUDGMENT IN OP.10576/95 OF THIS COURT.

EXT.P2 – TRUE COPY OF REPORT SUBMITTED BY REVENUE INSPECTOR, LR.II, KASARAGOD, DT.10.12.97.

EXT.P3 – TRUE COPY OF OBJECTION DT.11.2.98 FILED BY R3 AND R4 BEFORE R1.

EXT.P4 – TRUE COPY OF ORDER DT.26.6.03 PASSED BY LAND TRIBUNAL, KASARAGOD.

/TRUE COPY/

PIUS C. KURIAKOSE, J.

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W.P.(C)No.2895 OF 2004

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DATED THIS THE 24th JULY, 2007

J U D G M E N T

Service to the 3rd respondent declared sufficient. The 5th respondent-jenmi is already served. There is no appearance for her. The 4th respondent is reported dead. But then, as can be seen from the impugned order itself, the 3rd respondent who is served is the wife of the 4th respondent. The estate of the 4th respondent in this Writ Petition including the interest of his other legal heirs will be represented by the 3rd respondent who is also one of the legal heirs of the 4th respondent.

2. Ext.P4 order by which the Land Tribunal, Kasaragod allowed Ext.P3 objection-cum-application filed by respondents 3 and 4 to set aside Ext.P2 report of the authorised officer which was very much in favour of the petitioner is under challenge in this Writ Petition.

3.There is no appearance for the respondents.

4. Heard Sri.Kodoth Sreedharan, counsel for the petitioner who has taken me through the various documents placed on record relating to the earlier proceedings in the litigation between the parties. Having regard to the submissions of the learned counsel and the background of the case as unfurled from the documents placed on record, I am of

the view that the Land Tribunal should have passed a speaking order. I set aside Ext.P4 and direct the Land Tribunal to pass fresh orders on Ext.P3 filed by respondents 3 and 4, giving reasons as to why Ext.P2 is liable to be referred back to the authorised officer. Since the 4th respondent is reported dead, the Land Tribunal will take steps for impleading the other legal heirs of the 4th respondent also as additional parties in the proceedings.

The Writ Petition is allowed as above. No costs.

(PIUS C.KURIAKOSE, JUDGE)

tgl